

104TH CONGRESS
1ST SESSION

S. 1263

To direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the medicare program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20 (legislative day, SEPTEMBER 5), 1995

Mr. CONRAD (for himself, Mr. PRESSLER, Mr. THURMOND, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the medicare program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Anesthesia
5 Services Reform Act”.

1 **SEC. 2. REVISION OF CONDITIONS OF PAYMENT TO FOSTER**
2 **CONSISTENCY WITH STATE SUPERVISION**
3 **STANDARDS.**

4 (a) PROMULGATION OF REVISED REGULATIONS.—
5 The Secretary of Health and Human Services shall revise
6 any regulations describing the conditions under which pay-
7 ment may be made for anesthesia services under the medi-
8 care program under title XVIII of the Social Security Act
9 (42 U.S.C. 1395 et seq.) to provide that payment may
10 be made under the medicare program for anesthesia serv-
11 ices furnished in a hospital or an ambulatory surgical cen-
12 ter by a certified registered nurse anesthetist who, under
13 the law of the State in which the service is furnished, is
14 permitted to administer anesthesia services without super-
15 vision by the physician performing the operation or the
16 anesthesiologist.

17 (b) EFFECTIVE DATE.—The revisions to the regula-
18 tions referred to in subsection (a) shall apply with respect
19 to anesthesia services furnished on or after January 1,
20 1996.

21 **SEC. 3. ENSURING PAYMENT FOR PHYSICIAN AND CER-**
22 **TIFIED REGISTERED NURSE ANESTHETIST**
23 **FOR JOINTLY FURNISHED SINGLE CASE AN-**
24 **ESTHESIA SERVICES.**

25 (a) PAYMENT TO PHYSICIAN.—Section 1848(a)(4) of
26 the Social Security Act (42 U.S.C. 1395w-4(a)(4)) is

1 amended by adding at the end the following new subpara-
2 graph:

3 “(C) PAYMENT FOR SINGLE CASE.—Not-
4 withstanding section 1862(a)(1)(A), with re-
5 spect to physicians’ services consisting of the
6 furnishing of anesthesia services for a single
7 case that are furnished jointly with a certified
8 registered nurse anesthetist, if the carrier de-
9 termines that the use of both the physician and
10 the nurse anesthetist to furnish the anesthesia
11 service was not medically necessary, the fee
12 schedule amount to be applied shall be equal to
13 50 percent of the fee schedule amount otherwise
14 applicable under this section if the anesthesia
15 service were personally performed by the physi-
16 cian alone.”.

17 (b) PAYMENT TO CRNA.—Section 1833(l)(4)(B) of
18 such Act (42 U.S.C. 1395l(l)(4)(B)) is amended by adding
19 at the end the following new clause:

20 “(iv) Notwithstanding section 1862(a)(1)(A), in the
21 case of services of a certified registered nurse anesthetist
22 consisting of the furnishing of anesthesia services for a
23 single case that are furnished jointly with a physician, if
24 the carrier determines that the use of both the physician
25 and the nurse anesthetist to furnish the anesthesia service

1 was not medically necessary, the fee schedule amount shall
2 be equal to 50 percent of the fee schedule amount other-
3 wise applicable under this section if the anesthesia service
4 were personally performed by the physician alone.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 subsections (a) and (b) shall apply with respect to services
7 furnished on or after January 1, 1996.

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